

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:09-CR-85-1-F

UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER</u>
)	
SAMIR KHAMIS SIRHAN)	
Defendant.)	

This matter is before the court on the pro se motion of the defendant, Samir Khamis Sirhan ("Sirhan") "to Discontinue Sentence Imposed in Case Due to Convictions of Officers in Federal Cases as a Result of Investigation that Led to 'Operation Tarnished Badge' in Robeson County" [DE-79]. Sirhan alleges, *inter alia*, that he was investigated by agents of the Robeson County Sheriff's Department who were indicted in 2006 and convicted of various federal crimes. He contends his sentence should be set aside, presumably because the officers' criminal conduct tainted their investigation of him and resulted in his unlawful conviction and sentence.

According to the record, Sirhan pled guilty to selling about 1,000 counterfeit Cialis and Viagra pills. Agents of the North Carolina Alcohol Law Enforcement Division seized hundreds of these counterfeit pills in March 2007, from Sirhan's place of employment – his father's store – Sirhan's Meat and Grocery in Rocky Mount, North Carolina. Additionally, Sirhan pled guilty to participating in a conspiracy to possess with the intent to distribute and distribution of more than five kilograms of cocaine, more than 50 grams of crack, and a quantity of marijuana between March 2004 and March 2008 "from his father's store and other areas." PSR ¶ 9.

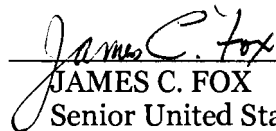
Sirhan is DIRECTED to amend his motion on or before **March 28, 2011**, to include his statement of the factual basis for his claim that his sentence resulted from an

investigation by Robeson County Sheriff's deputies who were convicted in federal court as a result of Operation Tarnished Badge. **Sirhan is cautioned that his failure to do so as directed will result in the dismissal of this motion as frivolous.**

The Clerk of Court is DIRECTED to re-submit this matter to the undersigned on **April 4, 2011**. Sirhan's Motion to Discontinue Sentence [DE-79] is HELD IN ABEYANCE until that date.

SO ORDERED.

This, the 4th day of March, 2011.



JAMES C. FOX
Senior United States District Judge